

### **REMARKS/ARGUMENTS**

Applicant would like to thank the Board and the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Decision on Appeal, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention. In particular, claims 1, 8, 13, 31, and 32 are amended, and claims 4 and 11 are cancelled without prejudice or disclaimer. Claims 4 and 11 were incorporated into claims 1 and 8, respectively. Applicant also acknowledges reversal of rejections to claims 4, 5, 11, 12, and 19 through 31 by the Board.

Claims 13, 14, and 32 are rejected for being directed to hybrid claims and thus for being indefinite under 35 U.S.C. §112, second paragraph. As noted above, claims 13, from which claim 14 depends, and claim 32 are amended, thereby rendering the rejection moot. Therefore, withdrawal of the rejection is respectfully requested.

Claims 1 – 14, 31, and 32 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1, 31, and 32 are independent and have been amended as indicated above, thus, obviating the rejection. Therefore, withdrawal of the rejection is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appeal No.: 2007-3973  
Application No.: 09/869,647  
Amendment Dated: July 14, 2007  
In response to Decision on Appeal dated May 14, 2008

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. NGB-33764.

Respectfully submitted,

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